

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:07-CR-70
	)	(Varlan / Shirley)
JIMMY DAVID MALONE,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This matter came before the Court on May 23, 2008, for a hearing on the pro se motion of Defendant Jimmy Malone for appointment of new counsel, submitted by letter as [Doc.21]. This motion was referred for disposition by specific order of the district court at [Doc. 22]. Mr. Malone was present with his counsel, Paula Voss. Assistant United States Attorney Cynthia Davidson represented the government, who took no position in this matter.

Attorney Voss and Mr. Malone informed the Court that they have successfully resolved an issues with their attorney-client relationship. Both Attorney Voss and Mr. Malone expressed their belief that they are able to proceed together for the remainder of the case. Mr. Malone asked the Court to consider his motion withdrawn and stated that he did not now wish to

have new counsel appointed. Accordingly, Mr. Malone's request for replacement counsel [**Doc.21**], is deemed withdrawn and therefore **DENIED** as moot.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge